

RECEIVED
CENTRAL FAX CENTER

FEB 13 2008

MARTIN & FERRARO, LLP

ATTORNEYS AT LAW

17383 SUNSET BLVD, SUITE 315
LOS ANGELES, CALIFORNIA 90272Telephone
(310) 286-9800Facsimile
(310) 286-2795

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3772/Examiner Michael Brown

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273- 8300

Subject: U.S. Patent Application No. 08/480,461

Gary K. Michelson

Filed: June 7, 1995

INSTRUMENTATION FOR THE SURGICAL
CORRECTION OF HUMAN THORACIC AND
LUMBAR SPINAL DISEASE FROM THE
LATERAL ASPECT OF THE SPINE

Attorney Docket No. 102.0010-01000

Customer No. 22882

Confirmation No.: 9274

FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: (310) 286-2795

No. of Pages (including this): 45

Date: February 13, 2008

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate), Amendment with Replacement Drawings (14 sheets), and copies of Form PTO-1449 and Form PTO/SB/08 associated with the Information Disclosure Statements dated July 26, 2001 and November 19, 2007, respectively, are being facsimile transmitted to the U.S. Patent and Trademark Office on February 13, 2008.


Miyabi Grace Forker

If there is a problem with this transmission please call the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

Attorney Docket No.: 102.0010-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE SURGICAL
CORRECTION OF HUMAN THORACIC AND
LUMBAR SPINAL DISEASE FROM THE
LATERAL ASPECT OF THE SPINE

Confirmation No.: 9274

Art Unit: 3772

Examiner: Michael Brown

RECEIVED
CENTRAL FAX CENTER
FEB 13 2008Mail Stop AMENDMENT
Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is an Amendment (with Replacement Drawings) in reply to the Office Action of February 4, 2008 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	148	-	148 **	0	LG=\$50 SM=\$25	\$ 0
INDEPENDENT CLAIMS FEE	9	-	13 ***	0	LG=\$210 SM=\$105	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$370 SMALL ENTITY FEE = \$185	\$ 0
TOTAL						\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ The total amount of \$*** to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLPDate: February 13, 2008By: Amedeo F. Ferraro
Registration No. 37,1291557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795

Transmittal of Amendment 2-13-08

FORM PTO-1083

Attorney Docket No.: 102.0010-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Micheison, M.D.

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE SURGICAL
CORRECTION OF HUMAN THORACIC AND
LUMBAR SPINAL DISEASE FROM THE
LATERAL ASPECT OF THE SPINE

Confirmation No.: 9274

Art Unit: 3772

Examiner: Michael Brown

RECEIVED
CENTRAL FAX CENTER
FEB 13 2008Mail Stop AMENDMENT
Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is an Amendment (with Replacement Drawings) in reply to the Office Action of February 4, 2008 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a *** -month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	148	-	148**	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	9	-	13***	0	LG=\$210 SM=\$105	\$210	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$370 SMALL ENTITY FEE = \$185		\$ 0
TOTAL							\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ The total amount of \$*** to cover the above fees is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: February 13, 2008

By: 

Amedeo F. Ferraro

Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795

RECEIVED
CENTRAL FAX CENTER

FEB 13 2008

PATENT
Attorney Docket No. 102.0010-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson

Serial No.: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE
SURGICAL CORRECTION OF HUMAN
THORACIC AND LUMBAR SPINAL
DISEASE FROM THE LATERAL
ASPECT OF THE SPINE

Confirmation No.: 9274

Group Art Unit: 3772

Examiner: Michael Brown

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AMENDMENT

In reply to the Office Action dated February 4, 2008, the following amendments and remarks are submitted as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Amendments to the Drawings begin on page 22 of this paper and include replacement sheets.

Remarks begin on page 23 of this paper.

An **Appendix** including replacement drawing figures is attached following page 24 of this paper.

Amendment 2-13-08